

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE

**DECLARATION AND POWER OF ATTORNEY**

ATTORNEY'S DOCKET NO.  
**11443/56**

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name,

I believe I am an original, first, and joint inventor of the subject matter that is claimed and for which a patent is sought on the invention entitled **ELECTRO-MECHANICAL SURGICAL DEVICE**, the specification of which was filed herewith.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

**PRIOR UNITED STATES APPLICATION(S)**

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

APPLICATION NUMBER	FILING DATE (day, month, year)	STATUS (i.e. Patented, Pending, Abandoned)
09/836,781	17 April 2001	Pending
09/723,715	28 November 2000	Pending
09/324,451	02 June 1999	Pending
09/324,452	02 June 1999	Pending
09/351,534	12 July 1999	Pending
09/510,923	22 February 2000	Pending
09/510,927	22 February 2000	Pending
09/510,932	22 February 2000	Pending

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorneys:

**Patrick J. Birde (Reg. No. 29,770)**  
**Michelle M. Carniaux (Reg. No 36,098)**  
**Clifford A. Ulrich (Reg. No. 42,194)**

SEND CORRESPONDENCE, AND DIRECT TELEPHONE CALLS TO:

**Kenyon & Kenyon**  
**One Broadway**  
**New York, New York 10004**  
**(212) 425-7200 (phone)**  
**(212) 425-5288 (facsimile)**

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PATENT TRADEMARK OFFICE

I declare that all statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issuing thereon.

FULL NAME OF INVENTOR	FAMILY NAME <b>WHITMAN</b>	FIRST GIVEN NAME <b>Michael</b>	SECOND GIVEN NAME <b>P.</b>
RESIDENCE & CITIZENSHIP	CITY <b>New Hope</b>	STATE OR FOREIGN COUNTRY <b>PA</b>	COUNTRY OF CITIZENSHIP <b>US</b>
POST OFFICE ADDRESS	POST OFFICE ADDRESS <b>16 Pheasant Run</b>	CITY <b>New Hope</b>	STATE & ZIP CODE/COUNTRY <b>PA 18938</b>
Signature		Date	

FULL NAME OF INVENTOR	FAMILY NAME <b>BURBANK</b>	FIRST GIVEN NAME <b>John</b>	SECOND GIVEN NAME <b>E.</b>
RESIDENCE & CITIZENSHIP	CITY <b>Ridgefield</b>	STATE OR FOREIGN COUNTRY <b>CT</b>	COUNTRY OF CITIZENSHIP <b>US</b>
POST OFFICE ADDRESS	POST OFFICE ADDRESS <b>106 Haviland Road</b>	CITY <b>Ridgefield</b>	STATE & ZIP CODE/COUNTRY <b>CT 06877</b>
Signature		Date	
FULL NAME OF INVENTOR	FAMILY NAME <b>ZEICHNER</b>	FIRST GIVEN NAME <b>David</b>	SECOND GIVEN NAME <b>A.</b>
RESIDENCE & CITIZENSHIP	CITY <b>Oxford</b>	STATE OR FOREIGN COUNTRY <b>CT</b>	COUNTRY OF CITIZENSHIP <b>US</b>
POST OFFICE ADDRESS	POST OFFICE ADDRESS <b>7 Wychwood Lane</b>	CITY <b>Oxford</b>	STATE & ZIP CODE/COUNTRY <b>CT 06478</b>
Signature		Date	